



P/35-11

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : M. Krysiak

Serial No.: 09/510,782

Group Art Unit: 3643

Filed: February 23, 2000

Examiner: S. Nguyen

For: FORTIFIED MULCH

Assistant Commissioner for Patents
Washington, D.C. 20231

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DECLARATION OF WILLIAM ENGELLEITNER

I, William Engelleitner declare as follows:

1. I have 45 years of experience in the field of agglomeration, size enlargement.
2. I have a BS in Mechanical Engineering
3. I have reviewed the application of the present invention.
4. I have reviewed the Spittle patent, 5,916,027, and Thomas patent, 4067,140.
5. I am the course director for the Center of Professional Advancement since 1974 for the Course regarding Briquetting, Pelletizing, Extrusion, and Fluid Bed/Spray Granulation. Information concerning this course was previously provided to the Examiner. As shown by this material, there are several different types of agglomeration each of which uses specific equipment which produces substantially different types of products.
6. The process of the present invention is classified as agitation or tumble, while the process disclosed and taught by Spittle requires pressure agglomeration.

7. I have read Col. 3 lines 18-30 of the Spittle patent. This section clearly teaches a pressure agglomeration method. Further this section clearly does not teach the method claimed in the present invention. The term "using known granulation equipment" does not teach a method of agitation as taught in the present invention.
8. The mixing and tumbling agglomeration/granulation method differs substantially from the pressure compression extrusion method described in Col. 3 of Spittle.
9. The claims of the present invention teach a mixing and tumbling agglomeration/granulation that creates a homogenous blend of paper product and fortifiers.
10. The mixer described in the present invention imports agitation forces on the contents of the mixer causing a tumbling, turbulent movement resulting in densification of the product.
11. Spittle does not teach or make obvious the process and product taught by the claims of the present invention.
12. Spittle uses a pressure agglomeration process. There is nothing taught in Spittle regarding the use of a binding agent. Further, there is no reason that a binding agent would be useful to the mulch produced by Spittle since Spittle uses pressure to form and keep the mulch together.
13. The Spittle process as defined is a multi-step process. The materials are combined, pelletized and then flaked. The Spittle process, requires the use of pressure equipment to form the pellets. In order to form a flake from a pellet, the pellet must be sheared to form thin flakes with ancillary equipment. In contrast,

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the mulch agglomeration process of the present invention is a single step tumble process that utilizes a high speed mixer, not pressure, to form granules.

14. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent application to which it relates or any patent issued thereon.

Dated: 5-14-03

William H. Engelleitner
William Engelleitner

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Assistant Commissioner for Patents
Washington, D.C. 20231**DECLARATION OF LEE HOFFMANN****RECEIVED**

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I, Lee Hoffmann declare as follows:

1. I have 27 years of experience in the field of agglomeration with Feeco International.
2. I have reviewed the application of the present invention.
3. I have reviewed the Spittle patent, 5,916,027, and Thomas patent, 4067,140.
4. The process of the present invention is classified as agitation, while the process disclosed and taught by Spittle requires pressure agglomeration.
5. I have read Col. 3 lines 18-30 of the Spittle patent. This section clearly teaches a pressure agglomeration method. Further this section clearly does not teach the method claimed in the present invention. The term "using known granulation equipment" does not teach a method of agitation as taught in the present invention.



6. The mixing and tumbling agglomeration/granulation method differs substantially from the pressure compression extrusion method described in Col. 3 of Spittle.
7. As shown in the publications previously submitted by the applicant, there are different types of agglomeration/granulation and each of these methods uses different types of equipment and creates substantially different types of products.
8. The claims of the present invention teach a mixing and tumbling agglomeration/granulation that creates a homogenous blend of paper product and fortifiers.
9. The mixer described in the present invention imports agitation forces on the contents of the mixer causing a tumbling, turbulent movement resulting in densification of the product.
10. Spittle does not teach or make obvious the process and product taught by the claims of the present invention.
11. As stated in my previous Declaration, there are four very distinct types of agglomeration, which use very specific equipment and produce very specific products. A person of knowledgeable in agglomeration would not use the equipment described in Thomas to modify Spittle.
12. Spittle uses a pressure agglomeration process. There is nothing taught in Spittle regarding the use of a binding agent. Further, there is no reason that a binding agent would be useful to the mulch produced by Spittle since Spittle uses pressure to form and keep the mulch together.
13. The Spittle process as defined is a multi-step process. The materials are combined, pelletized and then flaked. The Spittle process, requires the use of

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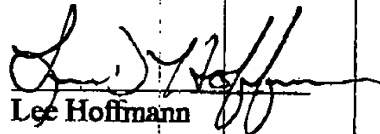
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pressure equipment to form the pellets. In order to form a flake from a pellet, the pellet must be sheared to form thin flakes with ancillary equipment. In contrast, the much agglomeration process of the present invention is a single step tumble process that utilizes a high speed mixer, not pressure, to form granules.

14. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent application to which it relates or any patent issued thereon.

Dated: 5/9/03


Lee Hoffmann